IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 36514 of 2007(V)

PETITIONER:

FR.GEORGE PANAKAZHAM
ST.GEORGE MALANKARA CATHOLIC CHURCH
KARUKACHAL, KARUKACHAL PO
KOTTAYAM DISTRICT.

BY ADV. SRI.GHOSH YOHANNAN
SRI.BIJU J.THADIKKAL

RESPONDENTS:

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1. THE STATE OF KERALA
REP. BY THE SECRETARY,
DEPARTMENT OF LOCAL SELF GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR
CIVIL STATION, KOTTAYAM.

3. THE DISTRICT MEDICAL OFFICER
KOTTAYAM.

4. NEDUMKUNNAM GRAMA PANCHAYAT
REP. BY ITS SECRETARY
NEDUMKUNNAM PO
KOTTAYAM.

BY GOVT. PLEADER MR. K.J. MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C)No. 36514 OF 2007

DATED THIS THE 11TH DECEMBER 2007

J U D G M E N T

The grievance voiced by the petitioner who is the vicar of St.George Malankara Catholic Church is that there has been inordinate delay in the matter of taking final decision on Ext.P1 application for licence for a concrete vault cemetery submitted to the 4th respondent Panchayat and forwarded by the Panchayat to the District Collector with the statutory reports of the 3rd respondent, District Medical Officer. It is pointed out by Sri. K.J.Mohammed Anzar, Senior Government Pleader for respondents 1 to 3 that the reason for the delay is the one stated in Ext.P4(a), i.e., likelihood of law and order problems in the area in the event of permit being issued. Whatever that be the 2nd respondent, District Collector is expected to adhere to the statutory time frame for considering the application under Rule 6 of the Panchayat Raj Burial and Burning Rules. Therefore, without going into the merits of the grounds raised in this writ petition, I dispose of the same directing the 2nd respondent to finalise the proceedings pursuant to Ext.P1 by passing final orders at the earliest at any ate within five months from the date of receipt of a copy of this judgment.

(PIUS C.KURIAKOSE, JUDGE)

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